

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16372
[REDACTED])	
Petitioner.)	DECISION
)	
)	

On January 3, 2002, the staff of the Tax Discovery Bureau of the Idaho State Tax Commission issued a Notice of Deficiency Determination to Mr. [Redacted] (taxpayer), proposing income tax, penalty, and interest for the taxable years 1993, 1995, 1996 and 1997 in the total amount of \$3,865.

On February 22, 2002, the taxpayer filed a timely appeal and petition for redetermination. The taxpayer did not respond directly to the Tax Commission's subsequent hearing rights letter mailed on June 24, 2002, but over time provided information via mail. The Tax Commission, having reviewed the file and the material received post-deficiency, hereby issues its decision.

The taxpayer did not file Idaho State income tax returns for the years 1993 through 1998. After the Bureau corresponded with the taxpayer, the latter sent 1993, 1994 and 1998 returns. There were errors on the 1993, so a corrected version was prepared by the Bureau and sent to the taxpayer for his signature. No response was received, and a Notice of Deficiency Determination was issued on January 3, 2002. The taxpayer filed a timely protest on February 22, 2002.

In continuing correspondence, the taxpayer stated that he now disputed the 1995 through 1997 deficiency because he was working in [Redacted]. He also provided some W-2's. In acknowledging the protest, the Bureau informed the taxpayer that Idaho residents are taxed on all income regardless of the source but that Idaho credit would be given for taxes rightly owed and paid to other states (Idaho Code §§63-3026 and 63-3029, respectively).

Following the mailing of the hearing rights letter by the Tax Policy section of the Tax Commission on June 24, 2002, the taxpayer submitted copies of his 1995 and 1997 Utah State filings along with \$209 to cover his 1993 Idaho income tax deficiency. On October 3, 2002, Tax Policy acknowledged receipt of the returns and payment, advising the taxpayer he had a remaining 1996 liability of tax, interest and penalty. He was advised in that letter once again that he was entitled to a hearing, could provide documentation in lieu of or in addition to a hearing, or he could pay the outstanding amount.

The taxpayer has had a valid Idaho driver's license since 1990. His W-2 for 1996 shows a [Redacted]Idaho address as well as Idaho withholding. Based on the taxpayer's W-2 income and taxes he would owe to [Redacted], a calculation of Idaho tax owed plus penalty and interest was sent to him on October 2, 2002.

The taxpayer has not responded and has not provided additional information to show that the adjusted liability for 1996 is in error. Therefore, he has not met his burden of proof. *Albertson's, Inc. v. State, Dept. of Revenue*, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). Regardless of the lack of documentation or proof on the part of the taxpayer, the Tax Commission finds the Bureau made the appropriate corrections.

As noted, the Bureau added interest and penalty to the taxpayer's Idaho tax liability. The Tax Commission reviewed those additions and found them appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046.

WHEREFORE, the Notice of Deficiency Determination dated January 3, 2002, is hereby MODIFIED, in accordance with the provisions of this decision and, as so MODIFIED, is APPROVED, AFFIRMED and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1996	\$105	\$26	\$46	\$177

Interest is calculated through January 29, 2003 and will continue to accrue at the rate set forth in Idaho Code § 63-3045(6) until paid.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the taxpayer's right to appeal this decision is included with this decision.

DATED this ____ day of _____, 2002.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2002, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]